

Charles R. Jacob III (CJ-4143)
Claire L. Huene (CH-2278)
MILLER & WRUBEL P.C.
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(212) 336-3500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TERWIN WAREHOUSE MANAGEMENT
LLC, as Program Administrator for and
Assignee of TERWIN MORTGAGE
WAREHOUSE TRUST II, SERIES VI,

Plaintiff,

-against-

FINANCIAL MORTGAGE, INC.
and VIJAY TANEJA,

Defendants.

07 Civ. 10309 (LLS)

ECF Case

**DECLARATION OF
CLAIRE L. HUENE**

The undersigned, Claire L. Huene, declares as follows:

1. I am an attorney duly admitted to the Bar of this Court and of the State of New York. I am associated with Miller & Wrubel P.C., counsel to plaintiff Terwin Warehouse Management LLC ("TWM"). I submit this declaration pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, in support of TWM's motion for a temporary restraining order ("TRO"). I have first-hand knowledge of the matters set forth herein.

2. This action was filed on the morning of November 14, 2007. After filing, we contacted Onkar Sharma, an attorney representing defendants, at his office and informed him that the Complaint had been filed, that Judge Stanton had been assigned to the case, and that plaintiff planned to move for a TRO later the same day. We notified Mr. Sharma that if the Court wished to contact him in connection with our motion, we would

provide the Court with his office telephone number. At the end of the call, Mr. Sharma provided us with his e-mail address so that we could e-mail him copies of the Complaint and the motion papers.

3. Following our conversation with Mr. Sharma, I e-mailed him a copy of the Complaint and the motion papers we planned to submit in support of plaintiff's motion for a TRO. I also informed Mr. Sharma more specifically of the time that we planned to be in Court seeking the motion. Attached hereto is a copy of my e-mail to Mr. Sharma, along with the confirmation message stating that my e-mail was successfully delivered and opened by the recipient.

4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 14, 2007



CLAIRE L. HUENE

Claire Huene

From: Claire Huene
Sent: Wednesday, November 14, 2007 1:46 PM
To: 'lawonkar@verizon.net'
Cc: Charles R. Jacob
Subject: Terwin v. Financial Mortgage - TRO motion papers
Attachments: Order to Show Cause with TRO.pdf; 2007.11.14 Memo of Law in Support of Motion for TRO.pdf; 2007.11.13 Declaration of Barabara Chell.pdf

Tracking:

Recipient	Delivery
'lawonkar@verizon.net'	
Charles R. Jacob	Delivered: 11/14/2007 1:46 PM

Attached are our motion papers. We will be seeking the temporary restraining order from Judge Stanton later this afternoon, probably between 3:30-4:30.

Claire L. Huene, Esq.
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Fax: (212) 336-3555
www.mw-law.com

From: Claire Huene
Sent: Wednesday, November 14, 2007 12:49 PM
To: lawonkar@verizon.net
Cc: Charles R. Jacob
Subject: Terwin v. Financial Mortgage Complaint

Per our discussion a few minutes ago, attached is a copy of the Complaint filed this morning.

I will forward you a copy of the papers for plaintiff's motion for a temporary restraining order and preliminary injunction shortly.

Claire L. Huene, Esq.
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11/14/2007

Claire Huene

From: Onkar Sharma [lawonkar@verizon.net]
Sent: Wednesday, November 14, 2007 1:11 PM
To: Claire Huene
Subject: Read: Terwin v. Financial Mortgage Complaint

Attachments: ATT01954.txt



ATT01954.txt (481
B)

This is a receipt for the mail you sent to <lawonkar@verizon.net> at
11/14/2007 12:49 PM

This receipt verifies that the message has been displayed on the recipient's computer at
11/14/2007 1:11 PM